

## **REMARKS**

### **I. OVERVIEW**

This amendment accompanies a request for continued examination. Claims 1-41 are pending and all claims are rejected. Claims 1, 11 and 16 have been amended. This Office Action and cited references has been carefully reviewed. Reconsideration is respectfully requested based on the following remarks.

### **II. REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-4, 7-11, 14, 16, 19, 24, 31 and 38 are rejected under 35 U.S.C. § 102(e) as being anticipated by Massaro et al ("Massaro," US 5,535,321). These rejections are respectfully traversed.

Massaro provides a method and apparatus for providing variable complexity user interfaces to users of data processing systems. Before addressing the rejections to specific claims, Applicant believes it would be beneficial to examine what Massaro means by the term "user interface." A user interface is commonly understood to mean a system in which people interact with machines. ([http://en.wikipedia.org/wiki/User\\_interface#Introduction](http://en.wikipedia.org/wiki/User_interface#Introduction)). That this meaning of the term "user interface" was the same at the time the present application was filed is apparent from Massaro's definition of the term, namely "the interface between man and machine." (Massaro col. 1, lines 16-23). At the time the present application was filed, the DOS command line interpreter was still a commonly utilized user interface in which users entered human-readable commands which were then translated into instructions for various machine components to perform. The graphical user interface associated with the Microsoft Windows

family of operating systems provides another notable example of a commonly utilized user interface.

The claims of the present application are directed to a method and apparatus for providing instructional help, at multiple levels of sophistication, in a learning application. In contending that Massaro anticipates the claims of the present invention, the Examiner persistently equates a user interface to a learning application. However, a user interface, as that term is currently and was commonly understood at the time the application was filed, and as that term was actually used in Massaro, simply cannot be equated to Applicant's learning program. While a reference from a different field of endeavor may still anticipate a claim under § 102, the reference must still explicitly or inherently disclose every limitation of the claims. Equating "user interface" and "learning program," imposes a meaning of the term "user interface" that is counter to the term's commonly understood meaning, and thus would not have been recognized by a person skilled in the art, either at the time the application was filed or today. Massaro simply does not teach any type of instructional method or apparatus. Thus, it cannot be said that Massaro explicitly or inherently discloses every limitation of the any of the claims since all claims are directed toward instructional methods or apparatus. Massaro does not instruct a user how to learn content displayed to the user to learn via the learning program. The Massaro GUI, applied to the Applicant's claimed learning program, would provide a GUI with help if the learner needed help with such things as how to navigate around the learning program, how to select features, etc. But Massaro does not disclose or teach the learning paradigm of Applicant's claims. Massaro is focused on providing help if the application user needs help with a function of the application program.

Claim 1 recites "A method of providing instruction to a user of an instructional program comprising: presenting an interactive instructional program to the user via an information processing device." The Examiner contends that Massaro's teaching of a "method of displaying help information matching characteristics of a user" anticipates a "method of providing instruction to a user of an instructional program comprising: presenting an interactive instructional program to the user via an information processing device," and cites to Massaro col. 1, lines 64-67 for support of this contention. (Office Action, page 4). Massaro teaches "an enhanced user interface which permits the automatic selection of variable complexity user interfaces for selected functions within a multiple function application." (Massaro col. 1, lines 64-67).

It appears that the Examiner equates "variable complexity user interfaces" to Applicant's "at least first and second levels of sophistication." However, Massaro clearly teaches "automatic selection of variable complexity user interfaces." (Massaro col. 1, lines 64-67, emphasis added). Massaro makes clear that selection of the appropriate user interface complexity is chosen automatically based on how an individual's user profile has been set up. (Massaro col. 2, lines 7-13). The user interface complexity settings of the user interface may be adjusted automatically upon the occurrence of certain events. (Massaro col. 2, lines 13-18). The user interface complexity settings may also be chosen by default if the user has not specified settings and the certain events have not occurred. (Massaro col. 2, lines 18-21). Regardless of how the user profiles are established, the determination of which level of complexity is used for a particular user is automatically chosen based on what information has been stored in the user's user profile for a particular function.

In contrast, Applicant's claim 1 clearly recites "an interactive instructional program." (Emphasis added). Applicant's instructional program is clearly interactive because the user of Applicant's instructional program can access the various levels of complexity at any point in the operation of the instructional program. (Published Applicant's Specification ¶ 70, lines 12-18). Massaro's user interface is clearly not interactive as one level of complexity is chosen automatically for presentation to the user, and the level of complexity presented cannot be changed except by modification of a user profile. The user profile is clearly a separate element from the instructional program because the user profile provides no instruction, but instead is used to specify the desired levels of complexity for particular functions for a particular user. (Massaro col. 2, lines 7-9). Therefore, the Massaro reference clearly lacks "an interactive instructional program" as claimed in claim 1. (Emphasis added). Further, because levels of sophistication are chosen automatically based on the configuration of the user profile, Massaro clearly lacks the element "any of the at least first and second levels of sophistication being user-selectable via the information processing device, at any time and in any order" as claimed in claim 1. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the elements "an interactive instructional program" and "any of the at least first and second levels of sophistication being user-selectable via the information processing device, at any time and in any order" as claimed in claim 1 are lacking from Massaro, it is respectfully submitted that the rejection to claim 1 should be withdrawn. Because claims 2-4, 7-10, and 24 depend from claim 1, it is respectfully submitted that the rejections to claims 2-4, 7-10, and 24 should be withdrawn as well.

However, to advance prosecution of the present application, claim 1 has been amended to highlight an aspect of the present invention, namely amended to highlight the instructional information is to be learned by the user, it is displayable to the user, and additional instructional option(s) is/are concurrently presented to the user if selected by the user with the information to be learned. This attempts to clarify the claim per the Examiner's comments at page 3 of the Office Action.

Claim 7 recites "The method of claim 1 wherein the first level of sophistication has attributes comprising one or more of short, low educational, plain language, summary fashion, brusque voice, man's deep voice." The Examiner contends that Massaro teaches "the first level of sophistication has short, plain language, summary fashion," and cites to Massaro col. 6, lines 10-25 in support of this contention. (Office Action, page 4). However, the cited passage stands only for the concept that the first level of sophistication has "the least number of options presented to the user when utilizing the function in question" and higher levels of sophistication provide more options. (Massaro col. 6, lines 10-25). It is clear that "options" as used in the cited passage refers to a quantity of activities that a user could perform in relation to a particular function. (Massaro col. 6, lines 19-22). The cited passage provides no support for the proposition that Massaro teaches "plain language," "short," or "summary fashion," but instead teaches only that fewer options are provided to users at lower levels of sophistication. Likewise, Massaro provides no support for "low educational," "brusque voice," or "man's deep voice" attributes. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the element "one or more of short, low educational, plain language, summary fashion,

brusque voice, man's deep voice" as claimed in claim 7 is lacking from Massaro, it is respectfully submitted that the rejection to claim 7 must be withdrawn for this independent reason as well. Because claim 8 depends from claim 7, the rejection to claim 8 should be withdrawn for this independent reason as well.

Claim 8 recites "The method of claim 7 wherein the second level of sophistication has attributes comprising one or more of long, high educational, more complex language, detailed, relaxed voice, woman's voice." The Examiner contends that Massaro teaches "the second level of sophistication has long, high educational, more complex language," and cites to Massaro col. 6, lines 10-25 in support of this contention. (Office Action, page 5). However, the cited passage stands only for the concept that the first level of sophistication has "the least number of options presented to the user when utilizing the function in question" and higher levels of sophistication provide more options. (Massaro col. 6, lines 10-25). It is clear that "options" as used in the cited passage refers to a quantity of activities that a user could perform in relation to a particular function. (Massaro col. 6, lines 19-22). The cited passage provides no support for the proposition that Massaro teaches "long," "high educational," or "more complex language," attributes but instead teaches only that fewer options are provided to users at lower levels of sophistication. Likewise, Massaro provides no support for "detailed," "relaxed voice," or "woman's voice" attributes. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the element "one or more of long, high educational, more complex language, detailed, relaxed voice, woman's voice" as claimed in claim 8 is lacking from Massaro,

it is respectfully submitted that the rejection to claim 8 should be withdrawn for this independent reason as well.

Claim 9 recites "The method of claim 1 wherein each level of sophistication has one or more attributes which differ from the other level of sophistication, the attributes comprising one or more of type of voice, type of language, type of graphics, type of background sound, and detail of information." The Examiner contends that Massaro teaches that "each level of sophistication has one detail of information attribute that differs from the other level of sophistication," and cites to Massaro col. 6, lines 10-25 in support of this contention. (Office Action, page 5). However, the cited passage stands only for the concept that the first level of sophistication has "the least number of options presented to the user when utilizing the function in question" and higher levels of sophistication provide more options. (Massaro col. 6, lines 10-25). It is clear that "options" as used in the cited passage refers to a quantity of activities that a user could perform in relation to a particular function. (Massaro col. 6, lines 19-22). The cited passage provides no support for the proposition that Massaro teaches any difference in the amount of detail provided for any of the options, but instead teaches only that fewer options are provided to users at lower levels of sophistication. Likewise, Massaro provides no support for "type of voice," "type of graphics," or "type of background sound" attributes. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the element "the attributes comprising one or more of type of voice, type of language, type of graphics, type of background sound, and detail of information" as claimed in claim 9 is lacking from Massaro,

it is respectfully submitted that the rejection to claim 9 should be withdrawn for this independent reason as well.

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Claim 11 recites "An apparatus for providing instruction to a user of an instructional program comprising: an information processing device including a digital information storage medium; an information processing device including a digital information storage medium; a software program loaded on the digital storage medium; the program comprising: (a) interactive instructional information relating to a subject matter, the instructional information comprising a plurality of sections; (b) an instruction module including additional instructional options related to the plurality of sections, the additional instructional options including additional instructional information available to the user via the information processing device in no less than two levels of sophistication, any of the levels of sophistication being user-selectable, at any time and in any order." The Examiner contends that Massaro's Figure 3 teaches "the program comprising interactive instructional information relating to a subject matter" (Office Action, page 5). However, Massaro's Figure 3 depicts "modification of a portion of a user profile which may be used to implement the method and apparatus of the present invention." (Massaro col. 23, lines 39-42). A user may interact with the user profile while making changes to the user profile; however, there is no suggestion that the user profile provides instructional information. Therefore, Massaro does not teach "interactive instructional information relating to a subject matter, the instructional information comprising a plurality of sections."

Massaro clearly teaches "automatic selection of variable complexity user interfaces." (Massaro col. 1, lines 64-67, emphasis added). Massaro makes clear that selection of the appropriate user interface complexity is chosen automatically based on how an individual's user profile has been set up. (Massaro col. 2, lines 7-13). The user interface complexity settings of

the user interface may be adjusted automatically upon the occurrence of certain events. (Massaro col. 2, lines 13-18). The user interface complexity settings may also be chosen by default if the user has not specified settings and the certain events have not occurred. (Massaro col. 2, lines 18-21). Regardless of how the user profiles are established, the determination of which level of complexity is used for a particular user is automatically chosen based on what information has been stored in the user's user profile for a particular function.

In contrast, Applicant's claim 11 clearly recites "interactive instructional information relating to a subject matter, the instructional information comprising a plurality of sections." (Emphasis added). Applicant's instructional information is clearly interactive because the user of Applicant's instructional program can access the various levels of complexity at any point in the operation of the instructional program. (Specification ¶ 70, lines 12-18). Massaro's user interface is clearly not interactive as one level of complexity is chosen automatically for presentation to the user, and the level of complexity presented cannot be changed except by modification of a user profile. The user profile is clearly a separate element from the instructional program because the user profile provides no instruction, but instead is used to specify the desired levels of complexity for particular functions for a particular user. (Massaro col. 2, lines 7-9). Therefore, the Massaro reference clearly lacks "interactive instructional information relating to a subject matter, the instructional information comprising a plurality of sections" as claimed in claim 11. (Emphasis added). Further, because levels of sophistication are chosen automatically based on the configuration of the user profile, Massaro clearly lacks the element "any of the levels of sophistication being user-selectable, at any time and in any order" as claimed in claim 11. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the elements "interactive instructional information relating to a subject matter, the instructional information comprising a plurality of sections" and "any of the levels of sophistication being user-selectable, at any time and in any order." as claimed in claim 11 are lacking from Massaro, it is respectfully submitted that the rejection to claim 11 should be withdrawn. Because claim 14 depends from claim 11, it is respectfully submitted that the rejection to claim 14 should be withdrawn as well.

However, claim 11 has been amended in a similar fashion to claim 1 and submitted to clarify its patentability distinguishable features from Massaro.

Claim 14 recites "The apparatus of claim 11 wherein the two levels of sophistication include a first level comprising a first textual content and a second level comprising a second textual content." The Examiner contends "Massaro teaches that the two levels of sophistication include a first level (basic level) comprising a first textual content (information presented to the user at basic level) and a second level (intermediate level) comprising a second textual content (information presented to the user at intermediate level), and points to Massaro's Figure 3 in support of this contention. (Office Action, page 6). However, there is nothing in Figure 3 to suggest that the differing levels refer to textual content. Instead, Figure 3 indicates that basic, intermediate, and advanced levels, but does not suggest to what types of content the differing levels apply. Massaro teaches a method and apparatus for providing multiple complexity user interfaces to a user. (Massaro col. 1, lines 52-55). Massaro clearly indicates that a user interface is the interface between man and machine. (Massaro col. 1, lines 16-23). By providing for multiple levels of complexity, Massaro indicates that the level of interface chosen in the user profile determines the number of options provided to a user. (Massaro col. 6, lines 10-25). With

this understanding of Massaro, it is clear that the levels of complexity represent differing numbers of options represented to users rather than differing complexities of textual information. Because Massaro lacks the elements "a first level comprising a first textual content" and "a second level comprising a second textual content" as claimed in claim 14, it is respectfully submitted that this rejection to claim 14 should be withdrawn for this independent reason as well.

Claim 16 recites "An interactive learning system comprising; an information processing device with a display; a lesson in the form of information on a digital media that is viewable and perceivable by a user on the information processing device; learning assistance related to at least one part of the lesson information and in the form of additional information on the digital media that is viewable and perceivable by a user on the information processing device; the additional information available to the user via the information processing device in no less than two levels of sophistication, any of the levels of sophistication being user-selectable at any time and in any order." The Examiner suggests that Massaro's Figure 3 teaches "an interactive learning system" (Office Action, page 5). However, Massaro's Figure 3 depicts "modification of a portion of a user profile which may be used to implement the method and apparatus of the present invention." (Massaro col. 23, lines 39-42). A user may interact with the user profile while making changes to the user profile; however, there is no suggestion that the user profile is an interactive learning system. Therefore, Massaro does not teach "an interactive learning system" as claimed in claim 16.

Massaro clearly teaches "automatic selection of variable complexity user interfaces." (Massaro col. 1, lines 64-67, emphasis added). Massaro makes clear that selection of the appropriate user interface complexity is chosen automatically based on how an individual's user profile has been set up. (Massaro col. 2, lines 7-13). The user interface complexity settings of

the user interface may be adjusted automatically upon the occurrence of certain events. (Massaro col. 2, lines 13-18). The user interface complexity settings may also be chosen by default if the user has not specified settings and the certain events have not occurred. (Massaro col. 2, lines 18-21). Regardless of how the user profiles are established, the determination of which level of complexity is used for a particular user is automatically chosen based on what information has been stored in the user's user profile for a particular function.

In contrast, Applicant's claim 16 clearly recites "an interactive learning system." (Emphasis added). Applicant's instructional information is clearly interactive because the user of Applicant's instructional program can access the various levels of complexity at any point in the operation of the instructional program. (Specification ¶ 70, lines 12-18). Massaro's user interface is clearly not interactive as one level of complexity is chosen automatically for presentation to the user, and the level of complexity presented cannot be changed except by modification of a user profile. The user profile is clearly a separate element from the instructional program because the user profile provides no instruction, but instead is used to specify the desired levels of complexity for particular functions for a particular user. (Massaro col. 2, lines 7-9). Therefore, the Massaro reference clearly lacks "an interactive learning system" as claimed in claim 16. (Emphasis added). Further, because levels of sophistication are chosen automatically based on the configuration of the user profile, Massaro clearly lacks the element "any of the levels of sophistication being user-selectable, at any time and in any order" as claimed in claim 16. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the elements "an interactive learning system" and "any of the levels of

sophistication being user-selectable, at any time and in any order." as claimed in claim 16 are lacking from Massaro, it is respectfully submitted that the rejection to claim 16 should be withdrawn. Because claim 19 depends from claim 16, it is respectfully submitted that the rejection to claim 19 should be withdrawn as well.

Claim 16 clearly recites the separate elements "a lesson" and "learning assistance related to at least one part of the lesson." There is nothing analogous to a "lesson" or "learning assistance" provided in Massaro, and the Examiner provides no support for the contention that these elements are present in Massaro. As previously discussed, Massaro teaches a method and apparatus for providing multiple complexity user interfaces to a user. (Massaro col. 1, lines 52-55). In contrast, claim 16 recites an interactive learning system. While a learning system implemented an information processing device with a display would have a user interface, a user interface and a learning system simply are not the same thing, and cannot be equated as the examiner has done. Because the elements "a lesson" and "learning assistance related to at least one part of the lesson" as claimed in claim 16 are lacking from Massaro, it is respectfully submitted that the rejection to claim 16 should be withdrawn for this independent reason as well. Because claim 19 depends from claim 16, it is respectfully submitted that the rejection to claim 19 should be withdrawn as well.

However, claim 16 has been amended similarly to claims 1 and 11 to clarify how it distinguishes from Massaro.

Claims 24, 31, and 38 each recite the element "wherein the instructional information comprises instruction, questions, or question feedback related to the subject." The Examiner contends that Massaro teaches "the information comprises instruction related to the subject," and cites to Massaro col. 6, lines 10-25 in support of this contention. (Office Action, page 6).

However, the cited passage stands only for the concept that the first level of sophistication has "the least number of options presented to the user when utilizing the function in question" and higher levels of sophistication provide more options. (Massaro col. 6, lines 10-25). It is clear that "options" as used in the cited passage refers to a quantity of activities that a user could perform in relation to a particular function. (Massaro col. 6, lines 19-22). The cited passage provides no support for the proposition that Massaro teaches "the information comprises instruction related to the subject" but instead teaches only that fewer options are provided to users at lower levels of sophistication. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the element "the information comprises instruction related to the subject" as claimed in claims 24, 31, and 38 is lacking from Massaro, it is respectfully submitted that the rejections to claims 24, 31, and 38 should be withdrawn for this independent reason as well.

### **III. REJECTIONS UNDER 35 U.S.C. § 103**

#### **A. Claims 5-6, 12-13, 15, 17, 18 and 20 are patentable under 35 U.S.C. § 103(a) over Massaro and Cook et al ("Cook," US 5,727,950).**

Claims 5-6, 12-13, 15, 17, 18 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Massaro and Cook et al ("Cook," US 5,727,950). These rejections are respectfully traversed.

With respect to claims 5 and 6, the Examiner contends that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and

second type of voices in Massaro's learning system with the motivation being to provide customized, individualized instructional helps to different people." (Office Action, page 7). However, as previously discussed with respect to claim 1, from which claims 5 and 6 depend, Massaro does not teach an interactive learning system as claimed in claim 1, but teaches variable complexity user interfaces. A combination of Massaro with the first and second types of voices of Cook results in variable complexity user interfaces with first and second type of voices, but does not result in the claimed invention.

Cook is cited for its alleged disclosure of two levels of sophistication as per Applicant's claims. To the contrary, Cook is similar to Massaro. It presents what it calls an "agent" that is assigned to a student based on such things as educational conduct and history of student behavior. Cook, col. 5, lines 29-30. It selects automatically what is presented to, and available to, the student based on a variety of input parameters (e.g., history of student performance, teacher input, school input and history regarding the student). Cook, col. 5, lines 31-68. Like Massaro, this "front-end" input allows the software to set what is available for the student. In contrast, Applicant's claims start with content to be learned and then make available "additional instructional options" related to the information to be learned, not automatic but at user-selection "at any time and in any order."

There is no "agent" that automatically controls the content, sequence, or options like Cook. Applicant's claims define a different approach than Cook or Massaro. Therefore, it is respectfully submitted there is not a *prima facie* case of obviousness based on Massaro in view of Cook. For at least these reasons, it is respectfully submitted that the rejections to claims 5 and 6 should be withdrawn.

With respect to claim 12, the Examiner contends that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second type of voices in Massaro's learning system with the motivation being to provide customized, individualized instructional helps to different people." (Office Action, page 7). However, as previously discussed with respect to claim 11, from which claim 12 depends, Massaro does not teach "interactive instructional information relating to a subject matter, the instructional information comprising a plurality of sections" as claimed in claim 11, but teaches variable complexity user interfaces. A combination of Massaro with the first and second types of voices of Cook results in variable complexity user interfaces with first and second type of voices, but does not result in the claimed invention. And, for the reasons discussed above regarding claims 5 and 6, Cook does not "fill in the gaps", so to speak, missing from Massaro. For these reasons, it is respectfully submitted that the rejection to claim 12 should be withdrawn.

With respect to claim 13, the Examiner contends that "it would have been obvious to one of ordinary skill in the art at the time the invention was made, to apply Cook's teaching of using different characters for different levels and/or different students to provide a first character and a second character for the two levels in Massaro's learning system with the motivation being to enhance customized and individualized instructional help method." (Office Action, page 8). However, as previously discussed with respect to claim 11, from which claim 13 depends, Massaro does not teach "interactive instructional information relating to a subject matter, the instructional information comprising a plurality of sections" as claimed in claim 11, but teaches variable complexity user interfaces. A combination of Massaro with the first and second types of characters of Cook results in variable complexity user interfaces with first and second types of

characters, but does not result in the claimed invention. For these reasons, it is respectfully submitted that the rejection to claim 13 should be withdrawn.

With respect to claim 15, the Examiner contends that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second voices in Massaro's learning system with the motivation being to provide customized, individualized instructional helps to different people." (Office Action, page 9). However, as previously discussed with respect to claim 11, from which claim 15 depends, Massaro does not teach "interactive instructional information relating to a subject matter, the instructional information comprising a plurality of sections" as claimed in claim 11, but teaches variable complexity user interfaces. A combination of Massaro with the first and second types of voices of Cook results in variable complexity user interfaces with first and second type of voices, but does not result in the claimed invention. For these reasons, it is respectfully submitted that the rejection to claim 15 should be withdrawn.

With respect to claim 17, the Examiner contends that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second voices in Massaro's learning system with the motivation being to provide customized, individualized instructional helps to different people." (Office Action, page 9). However, as previously discussed with respect to claim 16, from which claim 17 depends, Massaro does not teach an interactive learning system, a lesson, or "learning assistance related to at least one part of the lesson" as claimed in claim 16, but teaches variable complexity user interfaces. A combination of Massaro with the first and second types of voices of Cook results in variable

complexity user interfaces with first and second type of voices, but does not result in the claimed invention. For these reasons, it is respectfully submitted that the rejection to claim 17 should be withdrawn.

With respect to claim 18, the Examiner contends that "it would have been obvious to one of ordinary skill in the art at the time the invention was made, to use Cook's teaching of using plural characters associated with plural agents for different help levels in Massaro's learning system with the motivation being to provide customized, individualized instructional helps to different people." (Office Action, page 10). However, as previously discussed with respect to claim 16, from which claim 18 depends, Massaro does not teach an interactive learning system, a lesson, or "learning assistance related to at least one part of the lesson" as claimed in claim 16, but teaches variable complexity user interfaces. A combination of Massaro with the first and second types of characters of Cook results in variable complexity user interfaces with first and second types of characters, but does not result in the claimed invention. For these reasons, it is respectfully submitted that the rejection to claim 18 should be withdrawn.

With respect to claim 20, the Examiner contends that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second voices in Massaro's learning system with the motivation being to provide customized, individualized instructional helps to different people." (Office Action, page 11). However, as previously discussed with respect to claim 16, from which claim 20 depends, Massaro does not teach an interactive learning system, a lesson, or "learning assistance related to at least one part of the lesson" as claimed in claim 16, but teaches variable complexity user interfaces. A

combination of Massaro with the first and second types of voices of Cook results in variable complexity user interfaces with first and second type of voices, but does not result in the claimed invention. For these reasons, it is respectfully submitted that the rejection to claim 20 should be withdrawn.

**B. Claims 21-23, 25-30, 32-37, and 39-41 are patentable under 35 U.S.C. § 103(a) over Massaro.**

Claims 21-23, 25-30, 32-37, and 39-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Massaro. These rejections are respectfully traversed.

With respect to claims 21, 28, and 41, the Examiner contends that "It would have been obvious to one of ordinary skill in the art, having the teaching of Massaro before him at the time the invention was made, to modify the sections, options, and the number of levels of sophistication taught by Massaro to have at least two sections of the program having additional instructional options and the number of levels of sophistication varying between the at least two sections with the motivation being enhance the flexibility of Massaro's system." (Office Action, page 11). Each of claims 21, 28, and 41 recite "additional instructional options." However, as previously discussed, Massaro teaches variable complexity user interfaces, and a learning system cannot be equated to a user interface. Therefore, Massaro simply lacks any "instructional options." The addition of "additional instructional options" to the invention of Massaro would result in variable complexity user interfaces with "instructional options," but would not result in the learning system of claims 21, 28, and 41. For these reasons, it is respectfully submitted that the rejections to claims 21, 28, and 41 should be withdrawn.

With respect to claims 22, 29, and 36, the Examiner contends that "It would have been obvious to one of ordinary skill in the art, having the teaching of Massaro before him at the time the invention was made, to modify the sections, options, and the type of additional instructional

information taught by Massaro to have at least two sections of the program having additional instructional options and the type of additional instructional information varying between the at least two sections with the motivation being enhance the flexibility of Massaro's system." (Office Action, pages 11-12). Each of claims 22, 29, and 36 recite "additional instructional options" and "additional instructional information." However, as previously discussed, Massaro teaches variable complexity user interfaces, and a learning system cannot be equated to a user interface. Therefore, Massaro simply lacks any "instructional options" or "instructional information." The addition of "additional instructional options" and "additional instructional information" to the invention of Massaro would result in variable complexity user interfaces with "instructional options" and "instructional information," but would not result in the learning system of claims 22, 29, and 36. For these reasons, it is respectfully submitted that the rejections to claims 22, 29, and 36 should be withdrawn.

With respect to claims 23, 30, and 37, the Examiner contends that "It would have been obvious to one of ordinary skill in the art, having the teaching of Massaro before him at the time the invention was made, to modify the sections, options, the number of levels of sophistication, and type of instructional information taught by Massaro to have two sections of the program having additional instructional options and the number of levels of sophistication and type of additional instructional information varying between the at least two sections with the motivation being enhance the flexibility of Massaro's system." (Office Action, page 12). Each of claims 23, 30, and 37 recite "additional instructional options" and "additional instructional information." However, as previously discussed, Massaro teaches variable complexity user interfaces, and a learning system cannot be equated to a user interface. Therefore, Massaro simply lacks any "instructional options" or "instructional information." The addition of "additional instructional

options" and "additional instructional information" to the invention of Massaro would result in variable complexity user interfaces with "instructional options" and "instructional information," but would not result in the learning system of claims 23, 30, and 37. For these reasons, it is respectfully submitted that the rejections to claims 23, 30, and 37 should be withdrawn.

With respect to claims 25, 32, and 39, the Examiner contends that "It would have been obvious to one of ordinary skill in the art, having the teaching of Massaro before him at the time the invention was made, to modify the type of additional instructional information taught by Massaro to have two sections of the program having the type of additional instructional information varying between the at least two sections with the motivation being enhance the flexibility of Massaro's system." (Office Action, page 12). Each of claims 25, 32, and 39 recite "additional instructional information." However, as previously discussed, Massaro teaches variable complexity user interfaces, and a learning system cannot be equated to a user interface. Therefore, Massaro simply lacks any "instructional information." The addition of "additional instructional information" to the invention of Massaro would result in variable complexity user interfaces with "instructional information," but would not result in the learning system of claims 25, 32, and 39. For these reasons, it is respectfully submitted that the rejections to claims 25, 32, and 39 should be withdrawn.

With respect to claims 26, 33, and 35, the Examiner contends that "It would have been obvious to one of ordinary skill in the art, having the teaching of Massaro before him at the time the invention was made, to modify Massaro's teaching to have at least one section of the program having no additional instructional options with the motivation being enhance the flexibility of Massaro's system." (Office Action, page 13). However, as previously discussed, Massaro teaches variable complexity user interfaces, and a learning system cannot be equated to a user

interface. A variable complexity user interface in which at least one section of the user interface has no additional instructional options is not a learning system as claimed in claims 26, 33, and 35. For these reasons, it is respectfully submitted that the rejections to claims 26, 33, and 35 should be withdrawn.

With respect to claims 27, 34, and 40, the Examiner contends that "It would have been obvious to one of ordinary skill in the art, having the teaching of Massaro and Cook before him at the time the invention was made, to modify the type of additional instructional information taught by Massaro to have one section of the program having an additional instructional option at one level of sophistication with the motivation being enhance the flexibility of Massaro's system." (Office Action, page 13). Each of claims 27, 34, and 40 recite "an additional instructional option." However, as previously discussed, Massaro teaches variable complexity user interfaces, and a learning system cannot be equated to a user interface. Therefore, Massaro simply lacks any "instructional options." The addition of "an additional instructional option" to the invention of Massaro would result in variable complexity user interfaces with an "instructional option," but would not result in the learning system of claims 27, 34, and 40. For these reasons, it is respectfully submitted that the rejections to claims 27, 34, and 40 should be withdrawn.

#### **IV. CONCLUSION**

It is submitted all matters pending in Actions by the USPTO have been addressed and remedied and that the application is in form for allowance. Reconsideration is respectfully requested.

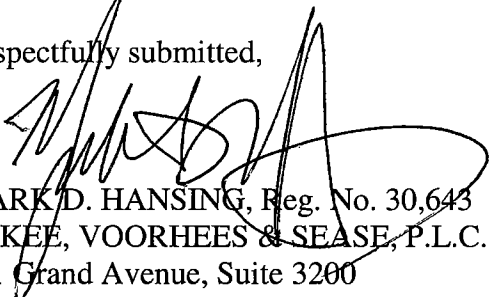
This Amendment accompanies the filing of a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of \$405.00 (small) for the RCE per the attached transmittal.

This is a request to extend the period for filing a response in the above-identified application for two months from January 14, 2010 to March 14, 2010. Applicant is a small entity; therefore, please charge Deposit Account No. 26-0084 in the amount of \$245.00 to cover the cost of the two month extension.

No other fees or extensions of time are believed to be due in connection with this response; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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